

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2013-018

AN ORDINANCE CORRECTING A SCRIVENER'S ERROR REGARDING THE
VILLAGE'S PUBLIC SAFETY EMPLOYEE BENEFIT ACT PROCEDURE

THE 2nd DAY OF APRIL 2013

Published in pamphlet form by the Authority of the
President and Board of Trustees of the Village of
Vernon Hills, Lake County, Illinois, this 3rd Day of
April 2013

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SCRIVENER'S ERROR REGARDING THE
VILLAGE'S PUBLIC SAFETY EMPLOYEE
BENEFIT ACT PROCEDURE**

WHEREAS, the Village is a municipal corporation organized and existing under the Statutes of the State of Illinois and empowered by statutes and by Home Rule Authority; and

WHEREAS, the Public Safety Employee Benefit Act (820 ILCS 320/1) ("PSEBA") allows for public safety employees who suffer a "catastrophic injury" in the line of duty the opportunity to apply for the Village's base health insurance coverage paid at 100% for the employee for the rest of the disabled employee's life and his or her dependents for a period of time as defined in the Act.

WHEREAS, PSEBA requires a determination that an eligible employee meet the terms of the statute.

WHEREAS, on October 4, 2011, the Village under its home rule authority adopted the "Village of Vernon Hills Public Safety Employee Benefit Act Procedure" setting for the Village's procedure for making said determination.

WHEREAS, it has come to the attention of the Village that a scrivener's error exists in the procedure set forth in the policy.

WHEREAS, the Village seeks to correct the scrivener's error in this ordinance and affirms the procedure adopted in October of 2011.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:

SECTION I. The Village re-affirms the Village's PSEBA Procedure Policy and corrects the scrivener's error in the following respects:

- 1) In paragraph 9 change "Hearing Officer" to Village Manager" such that paragraph 9 shall read:

"Upon investigation of the surrounding facts of the incident and review of the application, the Village Manager or his designee shall make a determination as to whether or not the applicant is entitled to the benefits provided by the Act."

- 2) In the paragraph entitled "Hearing Process" on page 2 of the Procedure Policy change five (5) days to thirty (30) days.

SECTION II. SEVERABILITY. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION II. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

SECTION III. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION IV. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2013-018.

Adopted by roll call vote as follows:

AYES: 5 – Schultz, Schwartz, Williams, Koch, Marquardt

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Hebda



Roger L. Byrne
Village President

PASSED: 04/02/2013

APPROVED: 04/02/2013

PUBLISHED IN PAMPHLET FORM: 04/03/2013

ATTEST:



Michael A. Nison
Village Clerk

Village of Vernon Hills

Vernon Hills, Illinois

Public Safety Employee Benefit Act Procedure

Introduction

The Public Safety Employee Benefit Act (PSEBA) allows for public safety employees, who suffer a "catastrophic injury" in the line of duty, the opportunity to apply for the Village's base health insurance coverage paid at 100% for the employee for the rest of the disabled employee's life and his or her qualified dependents for a period of time defined by the Act. The PSEBA also allows for the qualified spouse and/or qualified dependent(s), who were granted a surviving spouse/dependent person, due to a duty related death of a public safety employee, the same opportunity to apply for the Village's base health insurance plan paid at 100%, for the period of time defined by the Act for both the surviving spouse or qualified dependent.

Until processing and acceptance of the Public Safety Employee Benefit is completed, the applicant may remain on the Village's health insurance plan (either HMO or PPO plan), however, they will be responsible for paying 100% of the insurance premium cost. Health insurance premiums must be paid by the last day of the month for each month's coverage during the PSEBA review process.

Once the application is reviewed, and if the benefit is awarded, the employee may be reimbursed any premiums paid within 60 calendar days of the award date. This reimbursement would be for premiums paid from the official date of death or disability, through the official date of the PSEBA award.

If the PSEBA benefit is not awarded, the applicant may continue to remain on the Village's health insurance plan, however, they will be responsible to pay 100% of the health insurance premium cost. If the applicant chooses not to remain on the Village's health insurance plan, they will be eligible to continue health coverage under applicable laws as defined by COBRA.

PSEBA Hearing Process

As defined by the Public Safety Employee Benefit Act, 820 ILCS 329/1, et seq, ("PSEBA") Public Safety employees have a right under the Act to claim entitlement to the extra benefits required by the Act.

The Village Manager shall designate an individual to act as a Hearing Officer to fulfill the Village's obligations under the Public Safety Employee Benefit Act, if the Village Manager determines that a hearing is necessary or if a hearing is required under item 12 below. The Village Manager will determine if a hearing is needed upon review of the application information. If the claim for benefit is denied, based on the initial review of the application and information, the applicant may within thirty (30) days of denial request an evidentiary hearing.

PSEBA Application Procedure

1. Public safety employees or family members of an injured or deceased Public Safety Officer must advise the Village or its staff in writing whether the injured or deceased Public Safety Officer is seeking benefits under PSEBA. Upon receipt of an indication that PSEBA benefits are sought, the Village shall furnish a Public Safety Employee Benefit Act Application to the injured employee or family. PSEBA applications are also available from the Village Manager, Finance Director or on line through the Village's intranet (HR website)(i.e. the internal).
2. Any public safety employee or family member claiming benefits under the Act shall complete the application provided by the Village, and include the employee's or family member's firsthand knowledge explaining how the disability injury/death directly resulted from:
 - a. A police officer's response to fresh pursuit;
 - b. A police officer's response to what is reasonably believed to be an emergency;
 - c. A police officer's response to an unlawful act perpetrated by another; or
 - d. A police officer's participation in the investigation of a criminal act.

3. The Public Safety Employee Benefit Act Application must be sworn and notarized to certify the content of the completed application, along with a signed PSEBA medical authorization release, and a signed PSEBA general information release. Both of the PSEBA medical and PSEBA general information releases authorize the collection of information related to the incident including, but not limited to, the disability pension proceedings, worker's compensation records and medical records.
4. A completed application must include the name of applicant, date of hire of Public Safety Officer, detailed information regarding the incident, (including witnesses to the incident), information and supporting documentation related to the Police Pension Board determination, information supporting the PSEBA eligibility requirements, and if applicable, other sources of health insurance benefits currently enrolled in or received by the applicant.
5. A PSEBA medical information release must specify name and address information for pertinent health care provider(s) and hospital(s), along with applicant's signature and witness signature.
6. The PSEBA general information release must specify name and signature of applicant along with name and signature of witness authorizing the collection of information pertinent to the incident review process.
7. The completed application, which will include a completed PSEBA application, PSEBA medical release and PSEBA general information release, shall then be submitted to the Village Manager, as the Preliminary Record, and a copy of the same shall be provided to the employee-applicant.
8. Upon receipt of a request for PSEBA benefits, the Village Manager, the Village's administrative staff, and/or its counsel, shall conduct an investigation into the facts surrounding the incident, including but not limited to any application for PSEBA or disability benefits, a review of any Village files regarding the facts of the underlying incident as well as the records of disability pension proceedings and/or worker's compensation records resulting from the same incident and medical records supporting the disability. If necessary, the Village administrative staff shall request a written record of disability pension proceeding from the Police Pension Board, if during the proceeding, discussions occurred related to the injury/illness or death of the public safety employee being duty related or not.

9. Upon investigation of the surrounding facts of the incident and review of the application, the Village Manager or his designee shall make an initial determination as to whether or not the applicant is entitled to the benefits provided by the Act.
10. The Village Manager's initial determination shall be one of the following decisions:
 - a. Grant benefits based upon the facts on the application and investigation record as it stands;
 - b. Deny the benefits on the application and investigation record as it stands;
 - c. Set matter for an evidentiary hearing before a Hearing Officer to make a determination based on the result of the evidentiary hearing.
 - d. Enter such other finding as is consistent with the evidence or by agreement of the Applicant and the Village.
11. If the Village Manager grants the benefit based on the Preliminary Record as it stands, the employee applicant will be contacted, by the Village Manager's Office, within thirty (30) days of the decision. The employee applicant will be required to contact the Finance Director for benefit explanation and processing.
12. If the Village Manager denies the benefit based on the Preliminary Record as it stands, the employee applicant will receive notice of such denial and the employee shall have the right to request an evidentiary hearing which must be served in writing to the Village Manager not later than five (5) days after being served with notice of the denial. Upon receipt of a timely notice, the Village Manager shall schedule an evidentiary hearing and serve the applicant with Notice of the Evidentiary Hearing.
13. If the employee applicant, upon receiving notice of denial, chooses not to request an evidentiary hearing, they will be required to contact the Finance Director to discuss other options the applicant may be eligible to participate in.
14. If the Village Manager determines the matter requires an evidentiary hearing, the employee applicant will be given notice of such decision along with a date for the scheduled evidentiary hearing. The employee applicant must confirm the receipt

of said notice and concur with the date set for the evidentiary hearing in writing within five (5) days after being served notice of the evidentiary hearing. If the employee applicant fails, or chooses not to confirm the receipt of said evidentiary hearing notice within thirty (30) days, the Village Manager's denial of benefit will stand.

15. If the employee applicant, upon receiving notice of the evidentiary hearing date, cannot attend said date as indicated in the Notice of Evidentiary Hearing, the employee applicant must contact the Hearing Officer within five (5) days after being served with notice of evidentiary hearing, communicating alternative hearing date(s) which are within close proximity of the original date indicated by the Hearing Officer. Failure to do so waives any right to the hearing.
16. At any evidentiary hearing the employee shall have the obligation to prove that the employee is qualified to receive the benefits by a preponderance of the evidence.
17. The decision of the Hearing Officer shall be the final administrative determination of the Village and may be appealed to the Circuit Court under the Administrative Review Act.
18. All records pertaining to the administrative process will be held in a separate file in the employee's name within the Finance Department of the Village.
19. Request for such file shall be through the Freedom of Information Act.

AFFIDAVIT OF SERVICE

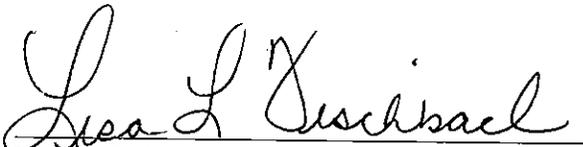
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, MICHAEL S. ALLISON, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2013-018, AN ORDINANCE CORRECTING A SCRIVENER'S ERROR REGARDING THE VILLAGE'S PUBLIC SAFETY EMPLOYEE BENEFIT ACT PROCEDURE " TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM APRIL 3, 2013 TO APRIL 13, 2013.



MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 3rd DAY OF APRIL
2013.



Notary Public

